

CITY COUNCIL
ATLANTA, GEORGIA

A RESOLUTION

BY PUBLIC SAFETY & LEGAL ADMINISTRATION COMMITTEE

02-*R*-1531

**A RESOLUTION AUTHORIZING THE
SETTLEMENT OF THE CLAIM OF NELSON
VAN BROOKINGS IN THE AMOUNT OF
\$361.53 AGAINST THE CITY OF ATLANTA
AND FOR OTHER PURPOSES**

WHEREAS, NELSON VAN BROOKINGS, has filed a claim against the City of Atlanta seeking damages to his vehicle; and

WHEREAS, the damage to NELSON VAN BROOKINGS' vehicle occurred when he drove over a construction site that was left open and in an unsafe manner; and

WHEREAS, the investigation of this claim determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at this location prior to Mr. Brookings' incident; and

WHEREAS, the claim was forwarded to United Water Services Atlanta for payment, however, United Water Services Atlanta has denied Mr. Brookings' claim and has based the denial on their assertion that they are not responsible for the damages that resulted from the exposed construction site; and

WHEREAS, the claimant has asserted damages in the amount of \$361.53 and has agreed to accept this sum in full and complete satisfaction and settlement of his claim against the City of Atlanta; and

WHEREAS, the City Attorney has recommended that the claim of NELSON VAN BROOKINGS, be settled for the sum of \$361.53.

THEREFORE, BE IT RESOLVED that the Council of the City of Atlanta, Georgia that \$361.53 be paid by the City of Atlanta to NELSON VAN BROOKINGS, in satisfaction of any and all claims she may have stemming from damages sustained to his vehicle on or about October 8, 2001, at Simpson Road, NW & Tazor Street, NW, and that the City Attorney prepare appropriate releases.

BE IT FURTHER RESOLVED that the City Attorney be granted the authority to take all necessary action, up to and including the filing of a lawsuit to pursue recovery for the damages caused by the inactions of United Water Services Atlanta.

BE IT FURTHER RESOLVED that the Chief Financial Officer is hereby authorized to pay the above mentioned sum from account number 2J01/529017/T31001.

A true copy,

Rhonda Daughin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

SEP 16, 2002
SEP 24, 2002

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0659

Date: June 24, 2002

Claimant /Victim NELSON VAN BROOKINGS

BY: (Atty) (Ins. Co.) _____

Address: 1352 David Circle, Decatur, Georgia 30032

Subrogation: _____ Claim for Property damage: \$ 361.53 Bodily Injury \$ _____

Date of Notice: 10/17/01 Method: Written, Proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/08/01 Place: Simpson Road, NW & Tazor Street, NW

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant sustained vehicular damage when he drove over a construction site in the roadway that was left open and in an unsafe manner. An investigation determined that Creative Pipeline, a subcontractor of United Water Services Atlanta, installed a new fire hydrant at the location. However, Creative Pipeline and United Water Services have denied liability for the damages.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others X Written _____ Oral X

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____


Respectfully submitted,



INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 361.53 Adverse _____ Account charged: 1A01 _____ 2P01 _____ 2J01 X 2H01 _____

Claims Manager:  Concur/date 08-29-02

Committee Action: _____ Council Action _____

RCS# 3984
9/16/02
2:03 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; except 02-O-1591; 02-O-1592
 02-R-1589; 02-R-1540; 02-R-1542
 ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

09/16/02 Council Meeting

**ITEMS ADOPTED ON CONSENT
AGENDA**

1. 02-O-1453
2. 02-O-1586
3. 02-O-1496
4. 02-O-1389
5. 02-O-1390
6. 02-O-0791
7. 02-O-1258
8. 02-O-1298
9. 02-O-1391
10. 02-O-1395
11. 02-O-1450
12. 02-R-1535
13. 02-R-1541
14. 02-R-1546
15. 02-R-1526
16. 02-R-1527
17. 02-R-1528
18. 02-R-1529
19. 02-R-1530
20. 02-R-1531
21. 02-R-1532
22. 02-R-1560
23. 02-R-1561
24. 02-R-1615
25. 02-R-1563
26. 02-R-1564
27. 02-R-1565
28. 02-R-1566
29. 02-R-1568
30. 02-R-1569
31. 02-R-1570
32. 02-R-1572
33. 02-R-1573
34. 02-R-1574
35. 02-R-1487
36. 02-R-1533
37. 02-R-1557
38. 02-R-1558
39. 02-R-1559
40. 02-R-1616
41. 02-R-1507
42. 02-R-1508

**ITEMS ADVERSE
ON CONSENT AGENDA**

43. 02-R-1509
44. 02-R-1510
45. 02-R-1502
46. 02-R-1503
47. 02-R-1504
48. 02-R-1505
49. 02-R-1506
50. 02-R-1511
51. 02-R-1512
52. 02-R-1513
53. 02-R-1514
54. 02-R-1515
55. 02-R-1516
56. 02-R-1517
57. 02-R-1518
58. 02-R-1519
59. 02-R-1520
60. 02-R-1521
61. 02-R-1522
62. 02-R-1523
63. 02-R-1524
64. 02-R-1525

Consent I Vote: 14Yeas; 0 Nays (See RCS #3984)

Items Removed from Consent: 02-O-1591; 02-O-1592; 02-R-1589; 02-O-1540; 02-R-1542

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(Do Not Write Above This Line)

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BY PUBLIC SAFETY & LEGAL

ADMINISTRATION COMMITTEE

A RESOLUTION AUTHORIZING
THE SETTLEMENT OF THE
CLAIM OF NELSON VAN
BROOKINGS IN THE AMOUNT
OF \$361.53 AGAINST THE CITY
OF ATLANTA

By: *Rosalind Rubens Newell*

Rosalind Rubens Newell

Deputy City Attorney

ADOPTED BY

- ☐ CONSENT REFER SEP 16 2002
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER COUNCIL
☐ PERSONAL PAPER REFER

Date Referred

Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

Committee

PSLA

Date

9/10/02

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

*Charles Smith
Nelson Van Brookings
H. D. Smith
Robert H. Newell*

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd ☐ 1st & 2nd ☐ 3rd
Readings
☒ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED
SEP 16 2002

ATLANTA CITY COUNCIL PRESIDENT

Calvin W. Woodard

CERTIFIED
SEP 16 2002

Rosalee Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Andy
SEP 24 2002
MAYOR